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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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LARRY J. SMITH,

Plaintiff,

*versus*

E. FOBBS, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:11-CV-431

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Larry J. Smith, formerly an inmate confined at the Robertson Unit, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983 against E. Fobbs, Officer Dees, and Officer Anderson.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed for failing to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

## ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

SIGNED at Beaumont, Texas, this 23rd day of April, 2012.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE